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On

May 4th 2005

TOWNSEND and TOWNSEND and CREW LLP

By:

Susan J. Johnson
Susan J. Johnson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BAEKKESKOV et al.

Application No.: 09/993,371

Filed: November 13, 2001

For: METHODS FOR DIABETES
SUSCEPTIBILITY ASSESSMENT IN
ASYMPTOMATIC PATIENTS

Customer No.: 20350

Confirmation No. 1403

Examiner: Michael M. McGaw

Technology Center/Art Unit: 1648

**APPLICATION FOR PATENT TERM
ADJUSTMENT UNDER 37 C.F.R. §
1.705**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REMARKS/ARGUMENTS

In response to the Notice of Allowance mailed February 4, 2005 and in accordance with 37 C.F.R. § 1.705, the Applicants respectfully request reconsideration of the patent term adjustment.

Statement Of Facts - 37 C.F.R. § 1.705(b)(2)

(i) Correct Patent Term Adjustment and Basis

The Applicants respectfully submit that the correct patent term adjustment as of the date of allowance is 225 days.

(ii) Relevant Dates

Additions to PTA

1) Application filed 11/13/01, first action 6/30/03
1/14/03-6/30/03 = 167 days

2) Response to office action received by PTO 10/3/03, second office action mailed 6/16/04
2/4/04-6/16/04 = 133 days

3) application filed 11/13/01, notice of allowance mailed February 4, 2005
11/14/04-2/4/05 = 82 days

167 + 133 + 82 = 382 days

Subtractions from PTA:

1) Missing Parts mailed 1/17/02, response received by PTO 8/19/02
4/18/02-8/19/02 = 124 days

2) Office action mailed 6/30/03, response received by PTO 10/3/03
10/1/03-10/3/03 = 2 days

3) Office action mailed 6/16/04, response received by PTO 10/18/04
9/17/04-10/18/04 = 31 days

124 + 2 + 31 = 157 days

Calculation: 382-157=225 days

(iii) Terminal Disclaimer

This application is not currently subject to a terminal disclaimer.

(iv) Circumstances

There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the application.

Conclusion

Applicants respectfully request that the patent term adjustment be reconsidered.

The Commissioner is hereby authorized to charge the fee of \$200.00 for filing a request for reconsideration of the patent term adjustment as set forth in § 1.18(e), and any other fees which may be required, or credit any overpayment, to Deposit Account No. 20-1430.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



Joe Liebeschuetz
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Attachments
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